

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION – DAYTON

CYNTHIA WILLIAMS,

Plaintiff,

vs.

FAMILY DOLLAR STORES OF OHIO,
INC., et al.

Defendants.

CASE NO. 3:22 cv 00006

(CASE NO. 2021 CV 05016
REMOVED FROM MONTGOMERY
COUNTY COURT OF COMMON PLEAS)

JUDGE

NOTICE OF REMOVAL BY
DEFENDANT FAMILY DOLLAR
STORES OF OHIO, INC.

Now comes Defendant Family Dollar Stores of Ohio, Inc., by and through its undersigned counsel, and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby gives notice of the removal of the above-referenced matter from the Common Pleas Court of Montgomery County, Ohio, in which it is now pending, to the United States District Court for the Southern District of Ohio, Western Division - Dayton.

1. This is a personal injury action that was filed in the Common Pleas Court of Montgomery County, Ohio on December 9, 2021, bearing Case No. 2021 CV 05016.
2. Defendant Family Dollar Stores of Ohio, Inc. was served with the Summons and Complaint on December 10, 2021.
3. Plaintiff Cynthia Williams is an Ohio citizen who resides in Dayton, Ohio.
4. Defendant Family Dollar Stores of Ohio, Inc. is a Virginia corporation with its principal place of business in Virginia. As such, Family Dollar Stores of Ohio, Inc. is a citizen of Virginia.

5. In the Complaint, Plaintiff alleges that she sustained, as a result of the subject incident:

- a. Severe injuries, including but not limited to: lower extremity traumas including a fracture of the right ankle which required surgery, swelling, depression, anxiety, permanent scarring, a permanent limp and overall disruption of life.
- b. Great pain and suffering, both physical and emotional, the loss of ability to perform usual functions, difficulty standing and walking, and the injuries will continue to cause pain and suffering in the future; and,
- c. Reasonable and necessary medical expenses in an amount in excess of \$84,649.53, as well as further reasonable and necessary medical expenses to be incurred in the future including but not limited to physical therapy, consultations, and appliances.

(Id. at ¶ 15).

6. The amount in controversy exceeds \$75,000.

7. Pursuant to 28 U.S.C. §§ 1441(b) and (c) and 28 U.S.C. § 1332 (a), this lawsuit may be removed from the Common Pleas Court of Montgomery County, Ohio to the United States District Court for the Southern District of Ohio, Western Division.

8. Defendant attaches hereto a copy of all process, pleadings and orders on file in said state proceeding and a copy of the Notice of Filing Notice of Removal which Defendant will serve upon Plaintiff promptly after the filing of this Notice of Removal, pursuant to 28 U.S.C. § 1446(a). See Exhibit A.

9. Defendant will file a copy of the Notice of Removal with the Clerk of Common Pleas Court of Montgomery County, Ohio immediately after filing hereof.

10. No further proceedings have commenced in this action in the Montgomery County Court of Common Pleas.

Respectfully submitted,

/s/ Christopher E. Cotter

Christopher E. Cotter (84021)

ccotter@ralaw.com

Roetzel & Andress, LPA

222 South Main Street

Akron, OH 44308

Direct: 330.819.1127

Telephone: 330.376.2700

Facsimile: 330.376.4577

Robert W. Schrimpf (85020)

rschrimpf@ralaw.com

Roetzel & Andress, LPA

625 Eden Park Drive, Suite 450

Cincinnati, OH 45202

Telephone: 513.361.0200

Facsimile: 513.361.0335

ATTORNEYS FOR DEFENDANT
FAMILY DOLLAR STORES
OF OHIO, INC.

PROOF OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing has been served upon the following parties via the Court's electronic filing system this 6th day of January 2022. Notice of this filing will be sent to all parties registered to receive service through the Court's electronic filing system, or via U.S. Mail, postage prepaid if not registered.

Robert L. Gresham
Michael L. Wright
Kesha Q. Brooks
WRIGHT & SCHULTE, LLC
130 W. Second Street, Suite 1600
Dayton, Ohio 45402
Phone: 937.222.7477
Fax: 937.222.7911
rgresham@yourohiolegalhelp.com
mwright@yourohiolegalhelp.com
kbrooks@yourohiolegalhelp.com

ATTORNEYS FOR PLAINTIFF
CYNTHIA WILLIAMS

/s/ Christopher E. Cotter

One of the Attorneys for Defendant
Family Dollar Stores of Ohio, Inc.